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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,703

11/25/2003

Jennifer Farrell

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

GARCIA, GABRIEL I

ART UNIT

PAPER NUMBER

2625

NOTIFICATION DATE

DELIVERY MODE

05/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/721,703	<b>Applicant(s)</b> FARRELL ET AL.	
	<b>Examiner</b> GABRIEL I. GARCIA	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 9-12, 16-20 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 5-8, 13-15 and 21-23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### Part III DETAILED ACTION

1. This application has been examined. Claims 1-29 are pending in this application.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4,9-12,16-20 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Tyson et al. (7,296,870).

With regard to claim 1, Tyson et al. teaches receiving a document for printing in an image forming device (**reads on the abstract, which describes a printer that can print a document in color or monochrome**), wherein a print mode setting is associated with the document (**reads on fig. 7, step 702, an evaluation is done associated with the print mode such as printing color pages or monochrome pages**); and printing at least a portion of the document monochromatically or in color based upon the print mode setting and a state of a print mode actuator (**e.g. the print**

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**mode actuator reads on the printer mode switch of fig. 2)** the switch in the image forming device (**e.g. the printing is performed based on the print mode set by the printer mode switch as depicted in figs. 1-7**), where the print mode actuator includes an application state (e.g. color mode) and a monochromatic override state (reads on col. 3, lines 32-66, wherein the color print mode is the application state and the color document being printed in monochromatic mode to save the color cartridge reads in the override state).

With regard to claim 2, the limitations of claim 2 are covered by the limitations are covered in the limitations of claim 1 above, Tyson et al. further teaches comprises implementing an execution of a monochromatic raster image processing of the document if the print mode setting specifies a monochromatic print setting (**reads on figs. 1 and 2, which depicts how the printing mechanism 108 can print the document based by the mono mode 118 processing being specified by the printer mode switch decision module**).

With regard to claims 3 and 4, Tyson et al. further teaches wherein the print mode actuator (**e.g. the print mode actuator reads on the printer mode switch of fig. 2**) includes at least an application state and a monochromatic override state, and the printing of the at least a portion of the document monochromatically or in color based upon the print mode setting and the state of the print mode actuator in the image forming device further comprises implementing an execution of a color raster image processing of the document if the print mode actuator is in the application state and the print mode setting specifies a color print setting or monochromatic print setting (**reads on figs. 1-3 and [0020], which depicts and describe the use of module application that checks the state of the print mode and the override state that allows to**

**override and print using the color processing or monochromatic).**

With regard to claims 9-12,16-20 and 24-29, the limitations of claims 9-12,16-20 and 24-29 are covered by the limitations of claims 1-4 above.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Claims 5-8,13-15 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art of record does not teach or suggest the limitations of claims 5-8,13-15 and 21-23 in combination with the limitations of the independent claims.

5. With regard to Applicant's argument that Tyson does not teach or suggest the print mode actuator including at least an application state and a monochromatic override state. Examiner disagrees with Applicant's conclusion. Examiner asserts that Tyson teaches the print mode actuator including at least an application state and a monochromatic override state (reads on col. 3, lines 32-66, wherein the color print mode is the application state and the color document being printed in monochromatic mode to save the color cartridge reads in the override state).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriel I. Garcia whose telephone number is (571) 272-7434. The Examiner can normally be reached Monday-Thursday from 7:30 AM-6:00PM. The fax phone number for this group is (571) 273-8300. 5. Claims 5-8,13-15 and 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2600.

/Gabriel I Garcia/

Primary Examiner, Art Unit 2625

**Gabriel I. Garcia**  
**Primary Examiner**  
**May 25, 2009**